

-12-

REMARKS

In response to the Office Action mailed August 16, 2004, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks, and have canceled claims. Applicant prays that, after consideration of these remarks, a favorable decision will be provided regarding the claims. The claims as now presented are believed to be in allowable condition.

Claims 1-32 were pending in this Application. By this Amendment, claims 29-32 have been canceled. Applicants expressly reserve the right to prosecute such at least some of the canceled claims and similar claims in one or more related Applications. Accordingly, claims 1-29 are now pending in this Application. Claims 1, 3, 5, 8, 13, 15, 17, 20, 23, 25 and 27 are independent claims.

Preliminary Matters

Applicant wishes to thank Examiner Han for the clarity and detail provided in the Office Action. This enabled Applicant to better prepare a response in connection with the claims.

Rejections under §101

Claims 29 and 32 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-functional descriptive matter or material. Claims 29-32 have been cancelled. Accordingly, the rejection of claims 29 and 32 under 35 U.S.C. §101 is believed to have been rendered moot.

Rejections under §103

Claims 1, 3, 5, 7-10, 12-13, 15, 17, 19-20, 22-23, 25, 27 and 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. US 2001/0047260 A1 to Walker (hereinafter Walker) in view of U.S.

Publication No. US 2002/0052747A1 to Sarukkai (hereinafter Sarkkai). The Examiner further rejected claims 2, 4, 6, 11, 14, 16, 18, 21, 24, 26, and 28 as being unpatentable over Walker in view of Sarukkai and further in view of U.S. Patent No. 6,658,389 to Alpdemir (hereinafter Alpdemir).

Enclosed herewith are affidavits of Lewis D. Dodrill and Ryan A. Danner, co-inventors of the present application. A petition and declaration regarding inventor Steven J. Martin is also enclosed herewith. The enclosed affidavits and petition under 37 C.F.R. §1.131 constitute an uncontroverted unequivocal statement as to the correctness of the inventorship and that the invention was conceived prior to the priority date of the Walker reference (May 17, 2000), the Sarukkai reference (August 11, 2000) and the Alpdemir reference (March 24, 2000). Applicants respectfully submit that the Walker reference, the Sarukkai reference, and the Alpdemir reference applied by the Examiner do not qualify as prior art since the affidavits show that the present invention was conceived and reduced to practice prior to the priority date of the Walker reference, the Sarukkai reference, and the Alpdemir reference. As such, the present invention cannot be anticipated by the Walker reference, the Sarukkai reference, and the Alpdemir reference, taken alone or in combination. Accordingly, the rejection of claims 1, 3, 5, 7-10, 12-13, 15, 17, 19-20, 22-23, 25, 27 and 29-32 as being unpatentable over Walker and Sarukkai is believed to have been overcome, and the rejection of claims 2, 4, 6, 11, 14, 16, 18, 21, 24, 26, and 28 as being unpatentable over Walker in view of Sarukkai and further in view of Alpdemir is also believed to have been overcome.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

-14-

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



David W. Rouille, Esq.
Attorney for Applicant(s)
Registration No.: 40,150
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805

Attorney Docket No.: CIS00-2413

Dated: December 14, 2004